

Order

Michigan Supreme Court
Lansing, Michigan

October 31, 2006

Clifford W. Taylor,
Chief Justice

129761(75)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

K & K CONSTRUCTION, INC., and J.F.K.
INVESTMENT COMPANY, L.L.C.,
Plaintiffs-Appellants,

v

SC: 129761
COA: 244455
Court of Claims: 88-012120-CM

DEPARTMENT OF ENVIRONMENTAL
QUALITY,
Defendant-Appellee.

On order of the Court, the motion for reconsideration of this Court's May 17, 2006 order is considered, and it is DENIED, because it does not appear that the order was entered erroneously.

TAYLOR, C.J., not participating.

MARKMAN, J., would grant reconsideration and, on reconsideration, would grant leave to appeal for the reasons set forth in *K & K Construction, Inc v Dep't of Environmental Quality*, 475 Mich 856 (2006).



d1023

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 31, 2006

Corbin R. Davis

Clerk